

Attorney Docket No. 57761.000144
GE Docket No. 03PM-1000
Application Serial No. 09/776,944

REMARKS

Claims 1-44 are pending in the application. By this amendment, claims 1, 20, 33, and 38 are amended. Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

No new matter is presented by this amendment. Support for the amendments to the claims may be found in the application in FIG. 3, blocks 400 and 410, for example.

A. The Filing Date

Page 2 of the Office Action ("Action") states that "this application has been accorded a priority date of 31 October 2000 and the USPTO records show the effective filing date as such." Applicant notes, however, that the cover page of the Action lists the filing date as "02/14/2001." Likewise, Public Pair also incorrectly identifies the filing date. Thus, it appears that not all of the USPTO records have been updated to reflect the October 31, 2000 filing date for this application. Accordingly, Applicant requests that all of the records at the U.S. Patent and Trademark Office be corrected to reflect the October 31, 2000 filing date.

B. The Rejection of Claims 1, 13, 16-18, 20, 30, and 44

The Action rejects claims 1, 13, 16-18, 20, 30, and 44 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,112,249 to Bader et al. ("Bader").

Claim 1 has been amended to recite:

A network, comprising:

- a primary network controller; and
- a plurality of network devices, wherein each network device is connected to the primary network controller by a respective primary network path; and
- at least one predetermined primary backup network path connecting each network device with the primary network controller, wherein each predetermined

Attorney Docket No. 57761.000144
GE Docket No. 03PM-1000
Application Serial No. 09/776,944

primary backup network path is blocked by the network controller when a corresponding primary network path is active;

wherein, when a primary network path between a network device and the primary network controller fails, the primary network controller blocks the failed primary network path and switches to one of the predetermined primary backup network paths, and

wherein when the primary network controller determines the failed primary network path has been restored from the failure, the primary network controller blocks the switched to predetermined primary backup network path.

Emphasis added.

The teachings of Bader were discussed in the November 9, 2004 Amendment. Bader is directed to a method and system of non-disruptively rerouting network communications from a secondary network path to a primary path. In the Abstract, Bader describes methods, systems and computer program products for the reassignment of communications sessions to a primary network communications path from a secondary network communications path are provided, which detect the availability of the primary network communications path and reroute existing transferable communications sessions to the primary network communications path from the secondary network communications path.

For at least the following reasons, Bader does not anticipate amended claim 1.

Bader does not disclose or suggest "A network, comprising: a primary network controller; . . . wherein when the primary network controller determines the primary network path has been *restored* from the failure, the primary network controller **blocks** the switched to predetermined primary backup network path" (emphasis added), as recited in amended claim 1.

In contrast, Bader discloses "non-transferable" communications sessions, which "may not be non-disruptively rerouted from one network communication path to another." See Bader, col.

Attorney Docket No. 57761.000144
GE Docket No. 03PM-1000
Application Serial No. 09/776,944

7, ll. 23-31. col. 9. ll. 19-21. Notably, Bader discloses that the "non-transferable" communication sessions remain active on a secondary network communications path until these sessions terminate, "even after the primary network communication path is again made available." See Bader, col. 9, ll. 22-30. Hence, when the network controller of Bader determines that the primary network communications path is operable, the secondary path remains active for these non-transferable sessions. However, amended claim 1 recites "when the primary network controller determines the primary network path has been restored from the failure, the primary network controller blocks the switched to predetermined primary backup network path." Thus, claim 1 recites that the switched to backup network path is blocked when the corresponding primary path is restored from a failure, in contrast to Bader, which discloses that the secondary network communications path remains active "even after the primary network communication path is again made available." See Bader, col. 9, ll. 22-30. Therefore, Bader does not anticipate amended claim 1 under 35 U.S.C. § 102(e).

Accordingly, it is respectfully submitted that claim 1 defines patentable subject matter for at least the reasons set forth above. Further, it is submitted that amended claim 20 defines patentable subject matter for reasons similar to those set forth with respect to amended claim 1.

Claims 4, 13, 16-18, 30, and 44, which respectively depend from claims 1 and 20, are at least in condition for allowance due to their dependence on an allowable claim and allowance thereof is respectfully requested.

Attorney Docket No. 57761.000144
GE Docket No. 03PM-1000
Application Serial No. 09/776,944

C. The Rejection of Claim 2

The Office Action rejects claim 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bader in view of U.S. Patent 3,920,975 to Bass ("Bass").

Claim 2, which depends from amended claim 1, is at least in condition for allowance due to its dependence on an allowable claim and allowance thereof is respectfully requested.

D. The Rejection of Claim 3

The Office Action rejects claim 3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bader in view of U.S. Patent 5,452,115 to Tomioka.

Claim 3, which depends from claim 1, is at least in condition for allowance due to its dependence on an allowable claim and allowance thereof is respectfully requested.

E. The Rejection of Claim 4

The Office Action rejects claim 4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bader in view of Tomioka, and further in view of Bass.

Claim 4, which depends from claim 1, is at least in condition for allowance due to its dependence on an allowable claim and allowance thereof is respectfully requested.

F. The Rejection of Claims 5-7, 9-11, 14, 15, 22-24, 26-28, 31, and 32

The Office Action rejects claims 5-7, 9-11, 14, 15, 22-24, 26-28, 31, and 32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bader in view of U.S. Patent 6,373,838 to Law et al. ("Law").

Attorney Docket No. 57761.000144
GE Docket No. 03PM-1000
Application Serial No. 09/776,944

Claims 5-7, 9-11, 14, 15, 22-24, 26-28, 31, and 32, which respectively depend from claims 1 and 20, are at least in condition for allowance due to their dependence on an allowable claim and allowance thereof is respectfully requested.

G. The Rejection of Claims 8, 12, 25, and 29

The Office Action rejects claims 8, 12, 25, and 29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bader in view of Law, and further in view of U.S. Patent 5,521,958 to Selig et al. ("Selig").

Claims 8, 12, 25, and 29, which respectively depend from claims 1 and 20, are at least in condition for allowance due to their dependence on an allowable claim and allowance thereof is respectfully requested.

H. The Rejection of Claim 19

The Office Action rejects claim 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bader in view of U.S. Patent 5,864,284 to Sanderson.

Claim 19, which depends from claim 1, is at least in condition for allowance due to its dependence on an allowable claim and allowance thereof is respectfully requested.

I. The Rejection of Claims 37, 42, and 43

The Office Action rejects claims 37, 42, and 43 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bader in view of Bass, and further in view of Law.

Claims 37, 42, and 43, which respectively depend from claims 33 and 38, are at least in condition for allowance due to their dependence on an allowable claim and allowance thereof is respectfully requested.

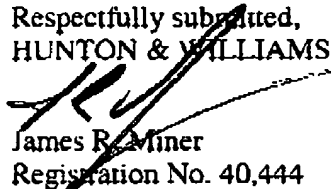
Attorney Docket No. 57761.000144
GE Docket No. 03PM-1000
Application Serial No. 09/776,944

CONCLUSION

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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